

**Introduced by Senators Burton, Chesbro, and Torlakson**

January 7, 2002

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An act to add Chapter 13 (commencing with Section 20050) to Part 11 of Division 1 of Title 1 of the Education Code, relating to historic preservation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1247, as introduced, Burton. California Trust for Historic Preservation.

Existing law, in the Public Resources Code, establishes the State Historical Resources Commission and provides for its membership and duties. Existing law establishes a California Register of Historical Resources and establishes a procedure for the listing of historical resources. Existing law establishes the State Office of Historic Preservation, which is under the direction of the State Historic Preservation Officer. Existing law prohibits any building or structure that is listed on the National Register of Historic Places and is transferred from state ownership to another public agency from being demolished, destroyed, or significantly altered, as specified.

Existing law, in the Public Resources Code, defines “qualified historical property” and specifies the method of determining standards for qualifying as a historical property.

Existing law, in the Public Resources Code, creates the California Heritage Fund in the State Treasury, and requires the office to administer the funds. Existing law, among other things, authorizes the office to accept gifts or dedications of real property, to enter into an option to purchase real property, to acquire and hold historical resources, artifacts, or objects that are required to provide public access to cultural or historical resources. Existing law authorizes the office to

award grants to public agencies and nonprofit organizations for the preservation of historical resources, to improve the management of California's historical resources, and to acquire significant archaeological resources areas and artifacts associated with those sites.

This bill would declare the intent of the Legislature to transfer the above provisions to the Education Code.

This bill would establish in the California State Library the California Trust for Historic Preservation, consisting of 7 specified members.

The bill would authorize the trust to use funds authorized from the sale of general obligation bonds pursuant to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (bond act), if the bond act is approved by the voters at the March 5, 2002, statewide primary election, to make grants, loans, or purchases relating to historical resources.

The bill would require the proceeds of bonds issued and sold pursuant to the bond act to be deposited in the California Trust for Historic Preservation Fund, which would be established by the bill. The bill would continuously appropriate the moneys in the fund to the trust for historic preservation projects consistent with provisions of the bond act, thereby making an appropriation.

The bill would authorize the trust to award a grant to a nonprofit organization for specified projects relating to historical preservation. The bill would create the Nonprofit Organization Historic Trust Account within the California Trust for Historic Preservation Fund, to deposit any funds collected from a nonprofit organization pursuant to an agreement regarding a grant.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature to enact  
2 legislation that would transfer the provisions of the Public  
3 Resources Code that relate to the State Office of Historic  
4 Preservation and the State Historic Resources Commission  
5 (Article 2 (commencing with Section 5020) and Article 3  
6 (commencing with Section 5031) of Chapter 1 of, and Chapter  
7 1.1.5 (commencing with Section 5079) of, Division 5 of the Public  
8 Resources Code) to the part of the Education Code relating to



1 libraries (Part 11 (commencing with Section 18010) of Division  
2 1 of Title 1 of the Education Code).

3 SEC. 2. Chapter 13 (commencing with Section 20050) is  
4 added to Part 11 of Division 1 of Title 1 of the Education Code, to  
5 read:

6  
7 CHAPTER 13. CALIFORNIA TRUST FOR HISTORIC PRESERVATION

8  
9 Article 1. General Provisions

10  
11 20050. This chapter shall be known and may be cited as the  
12 California Trust for Historic Preservation Act.

13 20051. The Legislature finds and declares all of the  
14 following:

15 (a) Every civilization defines itself in part by its past, and its  
16 understanding of its past helps determine its basic values and its  
17 future aspirations. Through learning this past, its young and future  
18 generations come to better understand the adult society in which  
19 they live, and to better understand themselves.

20 (b) As America's physical culture becomes remarkably similar  
21 throughout the country, it is left to the natural environment and the  
22 structures of the past to give a unique sense of place to our  
23 communities. Preserving these structures is becoming  
24 increasingly compelling as the homogeneity of our physical  
25 culture increases.

26 (c) California has largely neglected the preservation and  
27 interpretation of its past for the last two decades, despite the  
28 strenuous efforts of many citizens.

29 (d) The buildings, other structures, and artifacts that embody  
30 California's past are in escalating danger of being redeveloped,  
31 remodeled, renovated, paved, excavated, bulldozed, modernized,  
32 and lost forever.

33 (e) The emphasis of California's historic preservation and  
34 interpretation efforts has been on the structures and activities of  
35 our European forebearers. Without minimizing their contribution,  
36 it is now more apparent that other historical threads are important  
37 to California's growing Latino population, to African-Americans,  
38 to immigrants from China, Japan, Vietnam, and Laos, and to many  
39 other groups of citizens with uniquely identifiable cultures and  
40 histories. It is increasingly important to preserve the physical

1 history of these many groups' presence and contributions to  
2 California.

3 (f) The study of history once focused largely on the actions and  
4 works of wealthy, powerful, noble, brilliant, or famous persons. A  
5 more recent generation of historians has tried to increase the  
6 understanding of the way that more ordinary people lived and  
7 thought. California's historic preservation efforts should allow its  
8 citizens and visitors to experience something of the physical world  
9 of both.

10 (g) California's retained past certainly includes sites important  
11 to its prehistoric and later Native American people, and the  
12 remaining great structures of the 19th century. But the state also  
13 needs to consciously preserve selected remnants of the 1930s, of  
14 California's great role in World War II, as well as representative  
15 structures and sites that were culturally or economically important  
16 during the 1950s, 1960s, and, in some cases, even more recently.

17 20052. As used in this chapter, the following words have the  
18 following meanings:

19 (a) "California Historical Lifestyles Project" includes, but is  
20 not limited to, any building, structure, site area, place, artifact, or  
21 collection of artifacts that serves to preserve and demonstrate  
22 culturally significant aspects of ordinary or particularly creative  
23 California lifestyles during the 19th and 20th centuries, including,  
24 but not limited to, representative or exceptionally expressive  
25 residences, recreational facilities and equipment, farms and  
26 ranches, transportation technologies, and innovative shopping  
27 arrangements.

28 (b) "California Military, Industrial, and Commercial History  
29 Project" includes, but is not limited to, any building, structure, site  
30 area, place, artifact, or collection of artifacts that serves to  
31 preserve, display, demonstrate, or interpret any of the following:

32 (1) California's contribution to the national defense during the  
33 19th and 20th centuries, including facilities and artifacts from  
34 closed military bases.

35 (2) The industries, technologies, individuals, and commercial  
36 enterprises that built California's enormous economic strength,  
37 including, but not limited to, aircraft construction, banking and  
38 finance, electronics and related technologies, medical  
39 technologies, petroleum production and refining, movie and  
40 television production, and agriculture.



(c) “Historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript that is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

(d) “Trust” means the California Trust for Historic Preservation created by Section 20053.

(e) “Unique and Identifiable California Communities Project” includes, but is not limited to, any building, structure, site area, place, artifact, or collection of artifacts that serves to preserve, display, demonstrate, or interpret the contributions of the many unique identifiable ethnic and other communities that have added significant elements to California’s culture in the 19th and 20th centuries, including, but not limited to, its architecture, landscaping, art and literature, urban forms, recreation, food and drink, styles, and pastimes.

## Article 2. Creation and Powers of Trust

20053. There is in the state library the California Trust for Historic Preservation, consisting of the following seven members:

(a) The State Librarian, who shall serve as chair of the trust.

(b) The Secretary of the Resources Agency.

(c) The President of the University of California.

(d) Two members appointed by the Governor, one of whom shall be a person with distinguished achievements in the field of California history, and one of whom shall be a person with distinguished achievements in the field of historic preservation.

(e) One member appointed by the Senate Committee on Rules, who shall be a recognized expert on the native peoples of California.

(f) One member appointed by the Speaker of the Assembly, who shall be a person with distinguished achievements in the field of architectural history.

20054. Two Members of the Senate, appointed by the Senate Rules Committee, and two Members of the Assembly, appointed by the Speaker of the Assembly, shall meet with the trust and participate in its activities to the extent that their participation is

1 not incompatible with their respective positions as Members of the  
2 Legislature.

3 20055. The members appointed under subdivisions (d), (e),  
4 and (f) of Section 20053 shall serve for a term of four years.  
5 Members appointed under these subdivisions shall be  
6 compensated for attendance at regular meetings of the trust at the  
7 rate of one hundred dollars (\$100) per day, and shall be reimbursed  
8 for the actual and necessary expenses, including travel expenses,  
9 incurred in the performance of their duties.

10 20056. A majority of the total authorized membership of the  
11 trust shall constitute a quorum for the transaction of any business  
12 under this chapter. The trust shall adopt regulations governing  
13 meetings of the trust.

14 20057. The trust shall determine the qualifications of, and  
15 shall appoint and fix the salary of, the executive officer of the trust,  
16 who is exempt from civil service. The trust shall appoint other staff  
17 that are necessary to carry out the powers and functions set forth  
18 in this chapter. To the maximum extent possible, the trust shall use  
19 the staff of the trust for planning and project evaluation, and the  
20 staff of the state library, of the Department of Parks and  
21 Recreation, and of the Real Estate Services Division of the  
22 Department of General Services in carrying out the grantmaking,  
23 acquisition, leasing, disposal, and other transactions, including  
24 those involving real property, authorized under this chapter.

25 20057.5. The trust may expend the funds in the California  
26 Trust for Historic Presentation Fund established pursuant to  
27 Section 20065 to make grants, loans, or purchases to any of the  
28 following entities for any of the following purposes:

29 (a) To the Department of Parks and Recreation to rehabilitate,  
30 restore, enhance, protect, or improve existing historical resources  
31 in the state park system, or that are subsequently acquired by the  
32 state park system, or to acquire additional historical resources for  
33 the state park system, or to develop interpretative displays,  
34 facilities, and materials for those historical resources.

35 (b) To a public agency or nonprofit organization to rehabilitate,  
36 restore, enhance, protect, or improve historical resources  
37 identified in the California's Historical Resources Information  
38 System and owned by the public agency or nonprofit organization,  
39 or that are subsequently acquired by that agency or nonprofit  
40 organization, or to acquire additional historical resources

1 identified in the California's Historical Resources Information  
2 System, or to develop interpretative displays, facilities, and  
3 materials for those historical resources.

4 (c) To a public agency or nonprofit organization to acquire,  
5 develop, move, restore, rehabilitate, enhance, protect, improve,  
6 and interpret California Historical Lifestyles Projects, including  
7 acquisition of suitable sites for those projects either singly or in an  
8 assemblage.

9 (d) To a public agency or nonprofit organization to acquire,  
10 develop, move, restore, rehabilitate, enhance, protect, improve,  
11 and interpret Unique and Identifiable California Communities  
12 Projects, including acquisition of suitable sites for those projects  
13 either singly or in assemblage.

14 (e) To a public agency or nonprofit organization to acquire,  
15 develop, move, restore, rehabilitate, enhance, protect, improve,  
16 and interpret California Military, Industrial, and Commercial  
17 History Projects, including acquisition of suitable sites for those  
18 projects either singly or in assemblage.

19 (f) To a public agency or nonprofit organization to acquire,  
20 protect, and preserve sites of archeological or spiritual importance  
21 with respect to California's Native American peoples, and to make  
22 those sites accessible for Native Americans.

23 20057.8. To the extent funds authorized pursuant to this  
24 chapter are available for grants to a public agency or nonprofit  
25 organization, a federally recognized California Indian tribe may  
26 apply for a grant. Any funds so distributed shall be expended for  
27 a purpose authorized by this chapter.

28 20058. The trust may apply for and accept federal grants and  
29 receive gifts, donations, subventions, rents, royalties, and other  
30 financial support from public and private sources.

31 20059. The trust may serve as a repository for historic  
32 resources, including accepting dedication or purchase of fee or  
33 other title, historic preservation and other easements, development  
34 rights, or other interests in historic resources, including interests  
35 required to provide public access to those resources.

36 20060. The trust is the designated agency in the state for  
37 planning and coordinating federal sales of surplus or other historic  
38 resources.

39 20061. The trust is authorized to acquire, pursuant to the  
40 Property Acquisition Law (Part 11 (commencing with Section

1 15850) of Division 3 of Title 2 of the Government Code), real  
2 property or any interest in real property for all of the purposes  
3 specified in this chapter.

4 20062. (a) Funds may be granted to a nonprofit organization  
5 under this chapter if the nonprofit organization enters into an  
6 agreement with the trust, on the terms and conditions that the trust  
7 specifies.

8 (b) In the case of a grant for real property acquisition, the  
9 agreement shall provide all of the following:

10 (1) The purchase price of any interest in real property acquired  
11 by the nonprofit organization may not exceed fair market value as  
12 established by an appraisal approved by the trust.

13 (2) The trust shall approve the terms under which the interest  
14 in land is acquired.

15 (3) The interest in land acquired pursuant to a grant from the  
16 trust may not be used as security for any debt to be incurred by the  
17 nonprofit organization unless the trust approves the transaction.

18 (4) The transfer of land acquired pursuant to a trust grant is  
19 subject to the approval of the trust and a new agreement sufficient  
20 to protect the interest of the people of California shall be entered  
21 into with the transferee.

22 (5) If any essential term or condition of an agreement is  
23 violated, title to all interest in real property acquired with state  
24 funds shall immediately vest in the state.

25 (6) If the existence of the nonprofit organization is terminated  
26 for any reason, title to all interest in real property acquired with  
27 state funds shall immediately vest in the state unless another  
28 appropriate public agency or nonprofit organization is identified  
29 by the trust and agrees to accept title to all interest in real property.  
30 Any deed or other instrument of conveyance whereby real  
31 property is being acquired by a nonprofit organization pursuant to  
32 this section shall set forth the reversionary interest of the state.

33 (c) The trust shall also require an agreement sufficient to  
34 protect the public interest in any improvement or development  
35 constructed under a grant to a nonprofit organization for  
36 improvement and development of a project under this chapter. The  
37 agreement shall particularly describe any real property that is  
38 subject to the agreement, and it shall be recorded by the trust in the  
39 county in which the real property is located.



1 (d) Any funds collected from a nonprofit organization pursuant  
2 to an agreement regarding a grant shall be deposited in the  
3 Nonprofit Organization Historic Trust Account, which is hereby  
4 created in the California Trust for Historic Preservation Fund.  
5

6 Article 3. Financial Provisions  
7

8 20065. (a) The proceeds of bonds issued and sold pursuant to  
9 subdivision (d) of Section 5096.610 of the Public Resources Code  
10 shall be deposited in the California Trust for Historic Preservation  
11 Fund, which is hereby established.

12 (b) Notwithstanding Section 13340 of the Government Code,  
13 except as provided in subdivision (c), all moneys deposited in the  
14 California Trust for Historic Preservation Fund are continuously  
15 appropriated to the trust for historic preservation projects  
16 consistent with Section 5096.652 of the Public Resources Code.

17 (c) Amounts deposited in the fund may be appropriated in the  
18 annual Budget Act to the State Librarian for the actual amount of  
19 office, personnel, and other customary and usual expenses  
20 incurred in the direct administration of projects pursuant to this  
21 chapter, including, but not limited to, expenses incurred by the  
22 State Librarian in providing technical assistance to an applicant for  
23 a grant under this chapter.

